

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-3796

BRENDA L. ERDMAN,

Appellant,

v.

NATIONWIDE INSURANCE COMPANY,

Appellee.

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. No. 05-cv-00944)

District Judge: Honorable Christopher C. Conner

Argued November 17, 2008

Before: SCIRICA, *Chief Judge*, FUENTES and HARDIMAN, *Circuit Judges*.

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Middle District of Pennsylvania and was argued on November 17, 2008.

On consideration whereof, it is now hereby ORDERED and ADJUDGED that the judgment of the United States District Court for the Middle District of Pennsylvania entered August 23, 2007, be and the same is hereby AFFIRMED in part and VACATED in part. All of the above in accordance with the opinion of this Court. No costs shall be taxed.

Attest:


/s/Marcia M. Waldron
Clerk

Dated: September 23, 2009

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of a formal mandate on 11/02/200**

Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit